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AUTHOR	Jolly, Stan
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ABSTRACT

This fact sheet documents the disturbing overrepresentation of status Indian youth in the juvenile justice and child welfare systems of Ontario (Canada). However, the information represents only the tip of the iceberg. Data relate solely to children and youth whose parents resided on an Indian reserve; who were dealt with by the family court (not criminal court); and whose disposition was probation, training school, observation and detention facility, or care of a Children's Aid Society. Non-status Indian and Metis young people are not included. As of March 1982, compared to other youth, status Indian young people were 2.5-3.0 times more likely to be on probation, in training school or a detention facility, or in the care of the Children's Aid Society. A disproportionate number of these youth were from four reserves in the districts of Kenora, Manitoulin, and Cochrane. As among non-Indian youth, 80% of status Indian youth placed on probation or admitted to training school or detention facility were between the ages of 12 and 15. However, the percentage of status Indians on probation and between the ages of 7 and 11 was 8 times greater than for non-Indian youth. Questions as to where the "problem" lies are outlined. (SV)

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OUR CHILDREN ARE HURTING

Fact Sheet

on the

Disproportionate Involvement

of Indian Young People in the

Juvenile Justice and Child Welfare

Systems in Ontario

1981 - 1982

Stan Jolly
March 1983

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Ontario Native Council on Justice
22 College Street, Suite 102
Toronto, Ontario
M5G 1K6

Telephone: (416) 969-9119

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LIMITATIONS OF DATA

This Fact Sheet is based on data generously supplied by the Child Advocacy Information System of Ontario's Ministry of Community and Social Services. It must be emphasized that the data, which relates solely to young people who have been dealt with by the Provincial Court (Family Division) not the Provincial Court (Criminal Division) - is unfortunately incomplete. For example, only children and youth whose natural parents reside on an Indian reserve that is listed in the Municipal Code Book are identified. Not all Indian bands, however, are listed in the code book. Fourteen bands with a total on-reserve population of over 6500 people are not included. Also, if the parents are living off-reserve, their offspring are not identified as Indian. Thus, about one-third of the total population of status Indian young people in Ontario is excluded. In addition, non-status Indian and Metis young people, who by most estimates outnumber status Indian youth, are not identified by the tracking system at all. Finally, the data is restricted to youth who have been placed on probation, committed to a training school or observation and detention facility or placed in the care of a Children's Aid Society. If the court decision does not fall within these dispositional categories, it does not count. The numbers of young people who are charged by the police and who are found not guilty by the courts and the number and types of charges are not included within the data. The information in this Fact Sheet therefore represents only the tip of the iceberg. It is hoped that in the future the tracking system will be improved to eliminate the foregoing limitations.

INTRODUCTION

In The Native Inmate in Ontario,[1] a study conducted and published jointly by the Ontario Native Council on Justice and the Ontario Ministry of Correctional Services, 37 per cent (N=156) of the Native[2] incarcerates who were recidivists reported that they were first convicted of an offence as juveniles. The average age at first conviction was 16.5 years. In addition, almost half of the entire sample of Native inmates (46.6 per cent; N=199) were 18 or under at the time of their first conviction. The report concluded:

> *Clearly the current experience is a continuation of a previously established pattern. A pattern which for many was set at a very early age.*

Justice-related services to Native children and families has been a priority of the Ontario Native Council on Justice for approximately two years. In 1981, the Council issued a discussion paper on the subject of justice-related services to Native children and families.[3] In 1982, the Council prepared a Preliminary Response to the Ontario Consultation Paper on Implementing Bill C-61. The Young Offenders Act.[4] A Working Group has drafted recommendations based on the Preliminary Response. Finally, in 1983, a preliminary plan for Native staff development and community education concerning the Young Offenders Act was developed.

Two important objectives of the Ontario Native Council on Justice are:

* *To act in the development of justice policy pertaining to Native people and in so doing to identify problems and propose solutions and*

* *To conduct and publish research on justice-related areas of concern to Native people.*

The implementation of the new Young Offenders Act represents an opportunity and a challenge. The purpose of this Fact Sheet is three-fold:

* To take stock of the current situation by documenting the disturbing over-representation of status Indian youth in the juvenile justice and child welfare systems of Ontario;
* To provoke thinking and discussion about the reasons for this over-representation and alternative approaches to reduce it; and
* To pinpoint geographical areas of special need and high-risk age groups in order that limited resources can be targetted as effectively as possible.

The information in this Fact Sheet therefore represents only the tip of the iceberg. It is hoped that in the future the tracking system will be improved to eliminate the foregoing limitations.

DISPROPORTIONATE RATES OF INVOLVEMENT

From statistical information contained in Demographic Studies of Native People in Urban Settings,[5] a research report submitted to the Ontario Task Force on Native People in the Urban Setting, it can be calculated that status Indians who were under the age of 20 and whose parents were normally residing on a reserve constituted .7 per cent of the total population of Ontario in this age range in 1978. In view of their share of the total population, the over-representation of Indian children and youth on probation caseloads and in training schools, observation and detention facilities and Children's Aid Society facilities is distressing.

In spite of the fact that status Indians[6] under the age of 20 made up only .7 per cent of the total population of Ontario in that age category, in the 1981-82 fiscal year they constituted:

*1.8 per cent (N=103) of all young people placed on probation;

*2.8 per cent (N=20) of all young people committed to

training school;

*.9 per cent (N=43) of all young people admitted to observation and detention facilities; and

*3 per cent (N=265) of all young people admitted to Children's Aid Society facilities.

As of March 31, 1982, status Indians made up:

*2 per cent (N=142) of all young people on probation;

*1.9 per cent (N=12) of all training school wards;

*2.2 per cent (N=11) of all children and youth in observation and detention facilities; and

*2.3 per cent (N=208) of all young people in the care of a Children's Aid Society.

In comparison to non-Indian young people, therefore, in the 1981-82 fiscal year status Indian youth were:

*2 1/2 times more likely to be placed on probation;

*4 times more likely to be committed to training school; and

*4 times more likely to be admitted to a Children's Aid Society facility.

Also, as of March 31, 1982, status Indian young people were:

*3 times more likely to be on probation;

*2 1/2 times more likely to be a training school ward;

*3 times more likely to be in an observation and

detention facility; and

*3 times more likely to be in the care of a Children's Aid Society.

AREAS OF SPECIAL NEED

The District of Kenora would appear to be a high priority target area for the development of programs to prevent and reduce the disproportionate involvement of status Indian young people in the juvenile justice and child welfare systems. According to data supplied by the Department of Indian Affairs and Northern Development, as of December 31, 1980, status Indians living on reserve in the District of Kenora made up only 22 per cent of all the status Indians living on reserve in Ontario. Yet, in the 1981-82 fiscal year, status Indian youth from reserves in the District of Kenora constituted:

*Half (N=51) of all status Indian young people placed on probation;

*65 per cent (N=13) of all status Indian young people committed to training school;

*53 per cent (N=23) of all status Indian young people admitted to observation and detention facilities; and

*51 per cent (N=135) of all status Indian young people admitted to Children's Aid Society facilities.

As of March 31, 1982, they made up:

*56 per cent (N=79) of all status Indian young people on probation;

*67 per cent (N=8) of all status Indian training school wards;

*45 per cent (N=5) of all status Indian young people in observation and detention facilities; and

*49 per cent (N=101) of all status Indian young people in Children's Aid Society facilities.

In comparison to other status Indian young people, therefore, in the 1981-82 fiscal year status Indian youth from the District of Kenora were:

*2 times more likely to be placed on probation, admitted to observation and detention facilities or apprehended by a Children's Aid Society; and

*3 times more likely to be committed to training school.

As of March 31, 1982, they were:

*2 times more likely to be in observation and detention or Children's Aid Society facilities;

*1 1/2 times more likely to be on probation; and

*3 times more likely to be a training school ward.

The District of Manitoulin would also seem to be a focus of concern. As of December 31, 1980, status Indians living on reserves in the District of Manitoulin made up only 8 per cent of all the status Indians living on reserves in Ontario. Yet, as of March 31, 1982, status Indians from reserves in the District of Manitoulin accounted for 21 per cent (N=44) of all Indian young people in Children's Aid Society facilities. In comparison to other status Indian youth, therefore, as of March 31, 1982, status Indian children and youth from the District of Manitoulin were almost three times more likely to be in the care of a Children's Aid Society.

The data also indicates that specific reserves appeared to be high-risk environments for Indian young people and to qualify for intensive efforts in the development of innovative programs. For example:

*Of all the Indian youth placed on probation in the 1981-82 fiscal year, 20 per cent (N=21) were from Moose Factory Reserve in the District of Cochrane;

*Grassy Narrows Reserve in the District of Kenora was the home of 22 per cent (N=59) of the Indian young people admitted to a Children's Aid Society facility in 1981-82 and as of March 31, 1982, 30 per cent of the band members under the age of 20 living on-reserve were in the care of the Children's Aid Society; and

*Wikwemikong Reserve in the District of Manitoulin and Islington (Whitedog) Reserve in the District of Kenora each accounted for 11 per cent (N=22) of all Indians under the age of 20 who were in Children's Aid Society facilities as of March 31, 1982.

HIGH RISK AGE GROUPS

Finally, the data reveals that certain age groups were especially vulnerable to conflict with the juvenile justice system or to apprehension by a Children's Aid Society in the 1981-82 fiscal year. Three examples may be cited:

*Status Indian young people between the ages of 12 and 15 accounted for 80 per cent of all status Indian young people placed on probation, committed to training school or admitted to observation and detention facilities. These proportions were similar to those among non-Indian youth;

*The proportion of status Indian young people who were placed on probation and who were between the ages of 7 and 11 was four times greater than the proportion among non-Indian young people. As of March 31, 1982, the percentage of status Indian youth who were on probation and who were 7 - 11 years of age was 8 times greater than the percentage among non-Indian youth. Indian children, therefore, would appear to be entering the juvenile justice

system at an earlier age than their non-Indian counterparts; and

*45 per cent (N=119) of the status Indian young people admitted to Children's Aid Society facilities were under the age of 7. This proportion was similar to that among non-Indian young people.

QUESTIONS

The foregoing analysis of data concerning the over-representation of status Indian young people in the juvenile justice and child welfare systems of Ontario raises some disturbing but important questions:

*Is the behaviour of Indian youth really so much worse than that of non-Indian young people?

*Are Indian and non-Indian youth treated the same by police, courts and children's aid societies? Should they be? Are different standards of conduct an issue?

*Are kids the "problem" or does the "problem" lie elsewhere - with parents, communities, police, courts, probation and aftercare services or children's aid societies?

*Are many Indian young people, as some have suggested, deliberately committing offences in order to escape an unhappy home or community situation?

*Are Indian youth in conflict with the law offenders or victims?

*To reduce the over-representation of Indian young people, what must be changed: individuals, families, communities or the juvenile justice and child welfare systems?

*What will happen to Indian communities if this excessive involvement of Indian young people in the juvenile justice and child welfare systems of Ontario continues--or worsens? Our children <u>are</u> our future.

REFERENCES

1. A. Birkenmayer and S. Jolly. The Native Inmate in Ontario. Toronto: Ontario Native Council on Justice and Ontario Ministry of Correctional Services, 1981.

2. "Native" includes status and non-status Indians and Metis. Whenever the word "Indian" is used in the Fact Sheet, it refers only to status Indians.

3. B. Loucks and A. Timothy. Justice-Related Children and Family Services for Native People in Ontario. A Discussion Paper. Toronto: Ontario Native Council on Justice, 1981.

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